IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETN.NO.2290 OF 2004

Ganpat Damu Koli ... Petitioner

versus

Kum.Kirti Ganpat Koli and ors. ... Respondents

...

Mr.Ganesh Gole, for the Petitioner.

Mr.A.S. Gadkari, A.P.P. for the Respondent State.

...

CORAM : A.M.KHANWILKAR,J.

6th April 2005

P.C.:

. Heard Counsel for the Petitioner. The only argument canvassed before this Court is that both Kirti and Manisha are major and have their own source of income, for which reason the order of maintenance passed in their favour by the Court below cannot be sustained. This submission, however, overlooks that there is no evidence on record to support the plea that Kirti

and Manisha have their own source of income. If it is so, no fault can be found with the direction given by the Court below that the Petitioner to pay maintenance at the rate of Rs.300/- per month only to Kirti and Manisha respectively.

. To get over this position, learned Counsel for the Petitioner contends that the Petitioner has no source of income and is dependent on the assistance offered by his relatives. However, the Court below has clearly opined that no evidence has been adduced by the Applicant to substantiate this plea, as can be discerned from the observations made in para 24 of the impugned order. If it is so, no case for interference in exercise of writ jurisdiction in the concurrent view taken by the Court below.

. Dismissed.

(A.M.KHANWILKAR,J.)